

RESPONSE TO COMMENTS  
On the  
Proposed Basin Plan Amendment  
To Prohibit Septic System Use in Quail Valley Area of Riverside County

Santa Ana Regional Water Quality Control Board staff (Board staff) is proposing to amend the Basin Plan to incorporate a waste discharge prohibition on on-site septic tank-subsurface disposal systems (septic systems) in the Quail Valley area of Riverside County. Board staff conducted two public meetings to discuss staff proposals and to seek input from the residents in the area and other interested parties.

**Part I**

The comments received by Board staff up to November 28, 2005 and staff's responses to these comments are summarized below (Part I). Please note that some of the comments are paraphrased and similar comments are grouped together.

1. **Comment:** We strongly support the development and installation of a municipal sewer system. We are excited about a sewer system for Quail Valley, and we know that it will increase our land value. The sewer system installation should be expedited to avoid serious public health problems and epidemics.

**Response:** Approximately 30 percent of the comments received favored the proposed septic system prohibition and the installation of a municipal sewer system. Eastern Municipal Water District (EMWD) and Elsinore Valley Municipal Water District (EVMWD) have completed preliminary studies for extension of sewers to this area. EMWD has jurisdiction over the Quail Valley area; however, EVMWD is cooperating with EMWD in the sewer project for the area. The results of these studies are going to be discussed at a public meeting on December 8, 2005.

2. **Comment:** We recognize the benefits of a septic system prohibition and the installation of a municipal sewer system, but have concerns about its cost and financing, its effect on new development, and its effect on growth in Quail Valley.

**Response:** Board staff and EMWD are aware of the cost implications of extending sewers to the area and are exploring avenues for getting financial assistance from other sources to reduce the burden on the residents of the area. The December 8, 2005 public meeting will include a discussion on financial assistance and the cost of abandoning septic systems and connecting to sewer systems.

Board staff believes that the installation of sewer systems in the Quail Valley area will have some impact on developments in the area. Approximately 3,500 lots in Quail Valley are approved for residential developments. Regardless of whether a municipal sewer system is constructed in Quail Valley, landowners will continue to develop their land. However, with the construction of sewers in the area, lots that failed the percolation tests could also be developed.

3. **Comment:** In case of a septic system prohibition in Quail Valley, are you proposing to identify and require only the failing septic systems to connect to a sewer? It would be grossly unfair to require septic systems that are functioning properly to connect to a sewer system. Would the property owners be compensated for the expense of connecting to the sewer system?

**Response:** Board staff's investigation of the soil and groundwater conditions in Quail Valley indicates that the area is not generally suitable for septic system use. We recognize that some of the septic systems in the area appear to be not causing an obvious problem. However, these systems could be contributing to contamination of groundwater and causing groundwater to surface in downstream areas. Once a sewer system designed to serve a lot is constructed and a septic system prohibition is in place, all septic systems within the prohibition area will be required to connect to the sewer. The cost of properly abandoning the septic systems and connecting to the sewer will be the responsibility of the homeowners. In addition, each lot will be assessed a fee for the main sewer system construction. Some financial assistance may be available for low-income residents of the area. The public meeting scheduled for December 8, 2005 will include a discussion on the cost of sewer construction. (Also see Response to Comment 5, below.)

4. **Comment:** The next public meeting should be scheduled at a time and place that can better accommodate the participation of the residents of Quail Valley.

**Response:** Board staff wants to have participation from all interested parties. With this in mind, Board staff has scheduled an evening meeting at the Canyon Lake Middle School for December 8, 2005. The facility is expected to accommodate over 300 people.

5. **Comment:** My septic system is fairly new and functioning properly. Why should I be required to connect to a sewer?

**Response:** Two of the main reasons for septic system failures in Quail Valley are the poor soil conditions and the high groundwater levels. Even if a system appears to be functioning properly, that system could be contributing to the overall problems in the area. A system that appears to be functioning properly may cause surfacing of the septic system effluent at a lower elevation and may contaminate groundwater. The cumulative impact from a large number of septic systems concentrated in a small area with poor soil conditions and high groundwater could be significant.

6. **Comment:** Is new development, such as Canyon Heights, contributing to the problem? Can these projects pay higher fees to pay for a municipal system in Quail Valley?

**Response:** For the larger housing development projects in Quail Valley, such as the Canyon Heights development, the developer is installing sewer systems. The installation of municipal sewer systems to serve these developments is being paid for by these projects themselves. The sewer connection fees for these projects have been established and the new homeowners are required to pay for it. Extension of sewer

lines to nearby developments is definitely going to help the residents in the Grid Area of Quail Valley, where most of the septic system problems have been noted.

7. **Comment:** The citizens of Quail Valley are being penalized because of a failing regulatory process. How can the septic tanks in Quail Valley be the source of water quality problems in Canyon Lake?

**Response:** The Regional Board and the County of Riverside have established standards for septic system use. The County requires that a percolation test be performed on the lot and the percolation test report be submitted to the County for its review and approval. In most cases, the County reviews and approves these reports if they meet the regulatory requirements. Recently it has been reported to us that some of these reports may not be fully representative of the site conditions. Now County staff, and sometimes Board staff, are overseeing the percolation tests and reviewing the percolation reports carefully to determine that they meet our requirements.

During the 2004-05 wet season, it was noted that septic systems at a number of locations in Quail Valley were surfacing and the surface runoff from the area is tributary to Canyon Lake. Some of the high bacteria levels in Canyon Lake have been traced back to runoff from Quail Valley (see Staff Report for this item for details).

8. **Comment:** How will the cost of constructing the sewer system be paid for, and will people living in Quail Valley on a fixed (retirement) income be eligible for financial assistance? Who must pay for installing the sewer lateral (from the house to the main in the street) and abandonment of the existing septic tank? More government grant is needed to help low-income residents. If I cannot afford to connect to a sewer line, what are my options?

**Response:** EMWD is evaluating different financing options for extending sewers to the "Grid Area" of Quail Valley. Please note that EMWD would only construct the sewer main, which will be designed to serve each of the lots within the prohibition area. The residents in the area will have to pay a part of this cost along with the cost of treating the wastewater (sewage). If and when an assessment district is formed, each property in the area will be assessed a certain amount to pay for these sewer mains. It will be the homeowner's responsibility to construct the lateral sewer line (from the house to the sewer main on the street) and to properly abandon the septic systems. The County Supervisor's office and other entities may provide some financial assistance to low-income residents in the area to enable them to connect to the sewer main.

9. **Comment:** Will connection to the sewer system be required for all properties in Quail Valley whether the septic tank exhibits failure or not?

**Response:** Once a sewer main has been installed in the street designed to serve a particular lot, the lot owner must connect to the sewer main within a specified time frame. It is likely that a sewer main may not be designed and constructed for sparsely populated areas in Quail Valley. If a sewer main is not designed and constructed to serve a specific lot, a mechanism for an exemption from the prohibition will be included in the proposed Basin Plan amendment.

- 10. Comment:** What is the Regional Board doing about the high levels of bacteria found in the surface drainage channels leading to Canyon Lake including Salt Creek and San Jacinto River? Could the land application of manure and biosolids in the Salt Creek and San Jacinto River watersheds be causing these high levels? The Menifee area dairies are the cause of the problem. We are not the cause of bad water in Lake Elsinore or Canyon Lake. We should not be paying for cleaning up the water in those lakes.

**Response:** Federal regulations require that all water bodies that do not meet the water quality standards be listed as impaired waters in accordance with Section 303(d) of the Clean Water Act. Canyon Lake has been designated as an impaired water body under Section 303(d) for bacteria and nutrients (for not meeting water quality standards for these constituents). Once a water body is listed as impaired, the Regional Board is required to identify the sources causing the impairment and develop control measures, including waste load/load allocations (total maximum daily loads or TMDL) for each source. Board staff is currently working on TMDLs for Canyon Lake. All the sources of bacterial and nutrient problems in Canyon Lake have not been identified. Application of biosolids and manure to agricultural land and dairy operations generally contribute nutrients and bacteria to surface runoff. These sources will be identified and control measures proposed for these sources during the TMDL process. Septic system use in Quail Valley has been identified as one of the sources of bacterial and nutrient problems in Canyon Lake. Because of the public health threat from the large number of failing septic systems in Quail Valley, we are proposing to address this issue as soon as possible. Through the TMDL process, all responsible parties contributing to the problem will be identified and required to implement control measures.

- 11. Comment:** How will it be determined what the cost of sewer service to Quail Valley be and when will that information be available? Are any sewer facilities downstream (for instance, in Goetz Road) sized to serve Quail Valley?

**Response:** The results of the feasibility study conducted by EMWD will be discussed at the December 8, 2005 public meeting. We hope that the discussions by EMWD will answer the above questions.

- 11. Comment:** As homeowners change, what assurance is there that a septic system will be operated properly without failures? Can the County of Riverside begin to publicly report failed percolation tests? What is the minimum lot size?

**Response:** Real estate regulations require the owners to disclose any problems with the septic systems in the Transfer Disclosure Statement. The County will not allow septic systems in lots where an acceptable percolation test has not occurred.

Regional Board regulations require one-half acre minimum lot size for septic system use (except for lots or parcels that obtained approvals prior to September 7, 1987). Most lots in Quail Valley were approved prior to the cutoff date, and are therefore exempt from the minimum lot size requirement.

- 12. Comment:** Many septic systems are failing due to poor maintenance and overcrowding of residences. Not only the septic systems, but also the residences in these cases must be condemned. The residences must be checked to determine the number of occupants and some restrictions must be imposed on the number of occupants. Digging up this beautiful area for sewer systems is a waste of time and money.

**Response:** A septic system could fail if its design capacity is exceeded (hydraulic overloading). We agree that the large number of people in a dwelling could be one of the causes of septic system failures in Quail Valley, but this is not the only cause.

- 13. Comment:** By sewerling Quail Valley area, can the Regional Board guarantee that the bacteria problems in Canyon Lake would be eliminated.

**Response:** No, we cannot guarantee that Canyon Lake would be bacteria free by sewerling Quail Valley. This is only one of the measures to address the water quality problems and the public health problem in the area.

- 14. Comment:** What is the Regional Board doing about the “crap” flowing into Canyon Lake after each storm event?

**Response:** The Regional Board regulates storm water runoff from the County and the incorporated areas through its Storm Water Permits issued to the cities and the County. Board staff has been notified about the illegal dumping and other activities in areas upstream of Canyon Lake. We have been working with the County Trash Taskforce to address this issue. The cities have also been notified to do their part in controlling pollutant discharges into Canyon Lake.

- 15. Comment:** The County had neglected the area and now we have to pay for the County’s negligence. The percolation tests are not properly done. We know of sites where they tested eight or ten times to finally find a spot that passes the percolation test. Those who are involved in false reporting of percolation tests must be held liable. Additional oversight is needed. Proper testing and honest reporting will solve the septic system problem in Quail Valley. The County should investigate false reporting in percolation reports.

**Response:** The County has increased its oversight of percolation tests and is aggressively pursuing false reporters for prosecution. These actions should have a positive impact. However, these actions are not going to address the existing septic system problems.

- 16. Comment:** Get the USEPA involved, as it is taking too long.

**Response:** We are proceeding as fast as we can and USEPA will be informed of our actions.

- 17. Comment:** Sewer system is a long-term solution. What are the short-term solutions?

**Response:** Some of the short-term solutions included increased oversight by the County and by Board staff. The County is overseeing some of the percolation tests and Board staff is reviewing some of the percolation test reports in addition to County review. EVMWD had agreed to review the fee structure for accepting septage pumped from septic systems in Quail Valley.

**18. Comment:** The Regional Board sets the water quality standards; why not enforce these standards too?

**Response:** Through the TMDL process and the septic system prohibition, the Regional Board will be enforcing its water quality standards.

**19. Comment:** If I have a septic system problem, I do not want to spend \$6,000 now to find out a few months later that I have to connect to a sewer system.

**Response:** If you have a septic system problem now, it must be addressed now. Otherwise it could cause water quality and public health problems. In some cases, proper operation and maintenance could alleviate the problem temporarily.

**20. Comment:** Prohibit all construction in the area till sewers are available; declare a building moratorium for the area.

**Response:** Board staff and other entities discussed this option with the responsible agencies. The representatives for the County Supervisor indicated that such drastic actions would cause severe hardships for those who already had approvals for constructing on the lots and for those who bought the lots with the intention of building their first home.

**21. Comment:** We do not want to be investigators to report all failing systems to the County to take action. The County should be doing the investigations and taking actions.

**Response:** The County has increased its surveillance of the area and responds to all reported cases. The limited resources of the County could be better utilized if all failures are reported to the County.

**22. Comment:** I feel that there should be a tax bond put on each property and the bond should be paid off over a number of years along with the tax bill.

**Response:** The formation of a sewer assessment district to amortize the cost of sewer construction over a number of years is one of the options being considered. This item will be discussed at the December 8, 2005 public meeting.

**23. Comment:** Septic systems are not the problem and sewer lines are not the answer. There are too many people in many houses in Quail Valley with the wastewater from the house flowing all the time. By prohibiting the septic systems in the area, we can slow down the overflow of the illegal immigrants but cannot stop them.

**Response:** The field data collected by County and Board staff indicates that an unusually large number of septic systems are failing in Quail Valley due to a variety of reasons, including hydraulic overloading, poor percolation rates and high groundwater. We are open to all suggestions for feasible solutions to this problem.

**24. Comment:** My lot has a sticky black gawky stuff in a seasonal stream flowing through it. This stream used to be clean. I hope this stuff, which I think is from all the failing septic systems, does not cause a breakout of cholera or hepatitis or other infectious diseases. If an outbreak happens, the public is going to be very upset.

**Response:** The County, Board staff and other entities are working together to address this problem. We recognize that the failing septic systems are not only a water quality problem, but also a significant public health problem. We hope to address both issues by prohibiting the use of septic systems in the area and by providing sewer service to the residents.

**25. Comment:** I live in Canyon Lake and my property backs up to Quail Valley. There is sewage from Quail Valley flowing through my property and my daughter got sick from it. I have requested several agencies to collect a sample of the sewage flowing through my property and they have refused.

**Response:** On June 7, 2005, Board staff collected a water sample from the stream at this location and the analytical results indicated that the flow in the stream had high bacteria levels (see Section III. 8 of the Staff Report). This and other evidence collected by Board and County staff indicated that at least some of the bacteria problems in Canyon Lake and in the streams flowing through Quail Valley/Canyon Lake are caused by failing septic systems in Quail Valley.

**26. Comment:** Diversified Product Industries, LTD wants to install “Nitro-Raptor” wastewater treatment and disposal system in Quail Valley.

**Response:** Board staff could not get sufficient information regarding “Nitro Raptor” to comment on this system. Generally centralized sewage treatment plants are more efficient and economical.

**27. Comment:** I live on Casa Bonita in Quail Valley. This year I had to pump my septic system more than once. I see the black sewage oozing out through the lid of the septic tank and running down the street from my neighbor’s property. I know we need to have a sewer system and we should pay for it. I also think that residences along Casa Bonita and Vista Way should connect to the Canyon Lake sewer system.

**Response:** EMWD and EVMWD are working together to determine the most cost effective way to provide sewer service to different locations of Quail Valley.

**28. Comment:** Can I install an alternate wastewater treatment and disposal system if septic systems are prohibited?

**Response:** If a prohibition were adopted, it would be for all individual on-site waste disposal systems. However, exemptions could be considered for alternate systems that do not pose a threat to public health or water quality.

**29. Comment:** If I have a percolation test approved prior to the prohibition, can I build with a septic system?

**Response:** If you have an approved percolation test report, you may install a septic system. However, if a prohibition is adopted and a sewer main designed to serve your lot is constructed, then you will be required to connect to the sewer.

**30. Comment:** As we are in the United States of America and the official language is English, I think it is only right and proper that government-generated flyers focus on English regardless of the ethnic composition of the area.

**Response:** Board staff recognizes that many residents in Quail Valley do not read or speak English. Therefore, we feel compelled to publish the information in English and in Spanish. This is our attempt to disseminate the information to all residents and to encourage participation from all residents. Public participation is an important and requisite part of the Basin Plan amendment process.

## **Part II**

Response to comments received from November 28, 2005 to December 12, 2005, including the comments at the public meeting on December 8, 2005, are summarized below (Part II).

**31. Comment:** If sewers are only going to be available in three to five years, how do you propose to protect the public health in the interim? Sewer systems should be installed immediately. I am a Canyon Lake resident for the last 17 years and had to suffer because of the septic system failures in Quail Valley. I do not want to suffer through this for another 10 years. Quail Valley sewer systems should get the highest priority for any funding grant. We should not pass this problem on to the next generation.

**Response:** EMWD indicated that it would take approximately 3 to 5 years to have the area sewerred. This schedule is based on the time needed to complete the various steps prior to installation of sewers. Board staff will work with EMWD to see if this schedule could be shortened. Board staff is also working with EMWD to identify funding sources and to have this project placed on the highest priority for various funding sources.

**32. Comment:** County Health seems to have enacted a moratorium on alternate disposal systems. Decisions by the regulatory agencies should be based on sound science and engineering. We should determine what kind of systems are failing, what is working, are the systems being overloaded by too many people living in a dwelling unit, etc. Cooperation from the County is critical to have a successful septic system program. Currently County is sending people to the Regional Board office and vice versa and people are running around in a circle and not



getting septic systems approved. The County is requiring project proponents to redraw already approved plans.

**Response:** (We consulted the County in responding to this comment.) The County and the Regional Board are concerned about the alarming rate of septic system failures in Quail Valley. The County is being very cautious about the accuracy of the tests and the reports that are submitted to them for review. However, the County and Board staff are committed to approving systems that meet the design criteria. The County has not placed a moratorium on alternate disposal systems. The septic systems that have failed in the Quail Valley area are all conventional septic systems. The County keeps information on all reported failures. The County is cooperating with us in our efforts to address this problem.

**33. Comment:** What is the cost of a lateral sewer line and who pays for it? Is it possible to have this cost included as an assessment included on the property tax bill?

**Response:** The cost of lateral sewer lines is the responsibility of the homeowner. The law prohibits EMWD from including this amount in the assessment for municipal sewer construction.

**34. Comment:** What happens to the areas that EMWD is currently not proposing to provide sewer service? Can we use septic systems in those areas? Will sewer lines be available at some time in the future? Are we going to pay for both the sewer assessment and for maintenance of our own septic systems?

**Response:** EMWD has indicated that it may not be feasible at this time to build sewer lines in some sparsely populated areas of Quail Valley. However, if a majority of the residents in these areas request sewer service, EMWD would work with these residents to design and build a sewer system. If sewer service is not available and if soil conditions are suitable, the County may still permit septic systems in the area on large lots. All those who are within the assessment district will benefit from the elimination of septic systems from the high-density areas. Because of this benefit, all residents and lot owners will be required to pay a fair share for the sewer assessment. Those who get sewer service in their street will likely pay more than those without sewer availability.

**35. Comment:** Landowners are not being notified of the public meetings.

**Response:** We will continue to publish legal notices of the public meetings in the local newspapers. Prior to the last two meetings, there were also articles published about the public meeting in the local newspapers. We also have mail a notice of public hearing to all residents in the area.

**36. Comment:** There are a lot of cases where the County approved two-bedroom residences, but then these have been converted to three-bedroom, or more, structures. The County should take some action on such illegal conversions.

**Response:** (We consulted the County for the response to this comment.) The County is looking into such illegal conversions and appropriate actions would be taken.

**37. Comment:** Would street improvements be included with the sewer system installation?

**Response:** Street improvements are not generally included as part of the sewer system installation. EMWD does not have jurisdiction over the improvement of public streets.

**38. Comment:** What kind of sewer assessment district will be established? Will it be based on the 1913 or 1915 Act?

**Response:** It will be based on the 1915 Act so that it can be added to the annual property tax bill.

**39. Comment:** Do not make the septic system prohibition retroactive.

**Response:** Many of the existing septic systems are failing. Therefore, as soon as a sewer system is installed to serve a lot, residents will be required to connect to the sewer and abandon their septic system.

**40. Comment:** There are other problems such as the trash coming down the San Jacinto River, illegal discharges, discharges of fertilizers and herbicides from the farmland and the dairies. The pictures of the problem areas that were shown could be from other areas too.

**Response:** Some of the problems mentioned are being addressed through other Regional Board programs such as the municipal separate storm sewer system (MS4) program and the total maximum daily load (TMDL) programs. The pictures of septic system failures shown today (12/8/05) were all from Quail Valley area.

**41. Comment:** I do not have a septic system problem; the problem I have is the wastes coming from other areas and polluting Quail Valley. Canyon Lake has its own problems. We like the open space and the atmosphere in Quail Valley. We would like to know what you did with our tax dollars. We should get some of those dollars back. The County caused the problems by approving systems that should not have been approved. Why do I have to put money out of my pocket for the County's mistakes? Those who want to build a sewer system can pay for it. I am not going to pay.

**Response:** The septic system problems in Quail Valley are due to high groundwater, poor soil conditions and poor maintenance of septic system in the area. It is not due to wastes coming from other areas. We have no control over the expenditure of County tax money. Any questions related to tax collection and disbursement should be directed to the County and their elected officials. If a majority of the residents in the area approve an assessment district, all the residents in the area will be assessed a fair share.

42. **Comment:** I have 2 1/2 acres of land for which I had an approved percolation test report. The County is requiring additional percolation tests due to a change in their criteria, and I cannot find a place where it would percolate according to the new criteria. I spent my life savings on this lot and now I am homeless. Now EMWD is not proposing sewer service to my lot. Your presentation did not answer what I can do. Would the County consider alternate systems?

**Response:** (We consulted the County for this answer.) The County is willing to consider alternate systems. However, County staff is being very cautious about approving systems with marginal percolation conditions that were previously thought to be acceptable. We recommend that you work with the County to find an acceptable solution.

43. **Comment:** I cannot afford a \$500,000 home; but, I can afford a lot in Quail Valley, and I wanted to build an affordable home on it. Now the County is refusing to approve septic systems un-till you proclaim a moratorium. What can I do?

**Response:** (We consulted the County for this answer.) We recommend that you work with the County. The County does not have a moratorium on approving septic systems. If the soil conditions are suitable for septic system use and you have a certified percolation test report, please take that to the County for its review.

44. **Comment:** How does the Regional Board allow Forecast Homes to discharge to an open pit from 60 homes that were newly constructed?

**Response:** It is our understanding that these homes are connected to a sewer system. EMWD is currently constructing sewer trunk lines from these homes, which will ultimately be connected to the sewer mains and the sewage treatment plant.

45. **Comment:** Children from Quail Valley and Canyon Lake play in the same sewage-contaminated water. We have to work together to find a solution.

**Response:** We agree.

46. **Comment:** Can the County participate in these meetings.

**Response:** We will request that the County participate.

47. **Comment:** Canyon Lake is blaming all the problems on Quail Valley. There are only 15-20 houses in Quail Valley with problems. Fix only the problem houses. Canyon Lake has other problems from the two rivers.

**Response:** We agree that Canyon Lake has water quality problems beyond sewage discharges from Quail Valley. We are working on solving some of these other problems through TMDL and other programs (see Response to Comment 40, above). However, Quail Valley has a serious problem with septic system leakage that is, simply, not confined to 15 to 20 residences.

48. **Comment:** We purchased our land last year with a County approved percolation test report. When we started our process to build a house on our land, the County required additional testing and approvals from the Regional Board. This has been a lengthy, never ending and a costly process for us. It appears that we would not be able to build on our lot under the current conditions. If EMWD's plan does not include sewer service to our lot, and we cannot have septic systems, are you going to buy our land back from us at fair market value?

**Response:** The County has the authority to approve the use of septic systems that meet their criteria. This approval authority has not changed. The proposed prohibition of septic systems will only require abandonment of these systems if, and when, a sewer line is built to serve the lot. Please note that the proposed septic system prohibition would be applicable only to areas with a viable alternative (sewer service).